

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JANSSEN PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN INC. et al.

Defendants.

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Civil Action No. 10-6018 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before the Court on the applications by Plaintiff Janssen Pharmaceuticals, Inc. (“Janssen”) and Defendants Mylan Inc., Mylan Pharmaceuticals Inc., and Famy Care Ltd. (collectively, “Mylan”) for claim construction to resolve disputes over the construction of claim terms in U.S. Patent No. 6,214,815 (the “’815 patent”).

The threshold question in considering these applications is whether there is a dispute to decide. Janssen contends that there is no dispute for this Court to decide. Mylan contends that there is a dispute – but their 22 pages of briefing sheds no light on what that dispute is. Mylan’s briefs assert Defendants’ proposed constructions – but nothing before this Court identifies any alternative construction. Mylan’s opening brief asserts that claim construction is needed because “[t]here are practical consequences in this case” – yet does not illuminate those practical consequences.

If there is a dispute here, the parties have failed to illuminate it sufficiently to allow the Court to recognize it. The applications for claim construction are denied.

SO ORDERED.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.

Dated: February 2, 2012